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**IN THE UNITED STATES DISTRICT COURT**  
**DISTRICT OF UTAH, CENTRAL DIVISION**

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WALTER L. WAGNER, an individual,	:	
Plaintiff,	:	Case No. 2:11-cv-00784-CW-PMW
v.	:	
PRESTON MICHIE, an individual, KENNETH	:	REQUEST TO SUBMIT FOR
FRANCIK, an individual, LESLIE COBOS, an	:	DECISION.
individual, MARK ROBINSON, an individual,	:	<u>(Individual Defendants' Motion to</u>
ANNETE EMERSON, an individual, STEVE	:	<u>Dismiss)</u>
BRYANT, an individual, and WORLD	:	
BOTANICAL GARDENS, INC., a Nevada	:	
corporation,	:	District Judge Clark Waddoups
Defendants.	:	Magistrate Paul M. Warner

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Defendants Preston Michie, Kenneth Francik, Leslie Cobos, Mark Robinson, Annette Emerson, and Steve Bryant ("the Individual Defendants"), by and through their attorneys of record, and pursuant to the *Federal Rule of Civil Procedure 7(d)*, hereby requests that the Court

decide the Individual Defendants' Motion for Summary Judgment against Plaintiff Walter L. Wagner.

On May 16, 2012, the Individual Defendants filed their Motion to Dismiss [Docket # 52] and Memorandum in Support of Motion to Dismiss [Docket # 53]. Plaintiff filed a Memorandum in Opposition on May 29, 2012 [Docket # 55]. The Individual Defendants filed their Reply Memorandum on June 15, 2012. No hearing has been requested and the matter is now ready for final disposition. The Individual Defendants hereby request that the Court rule on their Motion to Dismiss.

DATED this 3<sup>rd</sup> day of July, 2012.

**RICHER & OVERHOLT, P.C.**

  
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Arnold Richer  
Patrick F. Holden  
Attorneys for Defendants

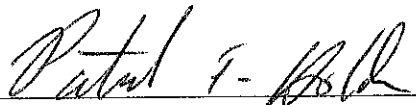
**CERTIFICATE OF SERVICE**

I hereby certify that I caused a true and correct copy of the foregoing **REQUEST TO SUBMIT FOR DECISION (Individual Defendants' Motion to Dismiss)** to be delivered to the following in the manner and on the date below indicated:

☒ Mail  
☐ Fax  
☐ Email  
☐ Hand Delivery

Walter L. Wagner  
532 N 700 E  
Payson, Utah 84651  
[retlawdad@hotmail.com](mailto:retlawdad@hotmail.com)  
(Pro Se Plaintiff)

DATED this 3<sup>rd</sup> day of July, 2012.

  
Patrick F. Holden